

**Rocky Flats Citizens Advisory Board
Meeting Minutes
May 2, 2002
6 to 9:30 p.m.**

Jefferson County Airport Terminal Building, 11755 Airport Way, Broomfield

FACILITATOR: Reed Hodgins

Jeff Eggleston, the Board's chair, called the meeting to order at 6:05 p.m.

BOARD / EX-OFFICIO MEMBERS PRESENT: Suzanne Allen, Joe Downey, Jeff Eggleston, Shirley Garcia, Noelle Stenger Green, Victor Holm, Jim Kinsinger, Bill Kossack, Tom Marshall, Mary Mattson, LeRoy Moore, Nancy Peters, Earl Sorrels / Rob Henneke, Joe Legare, Mark Sattelberg, Kathleen Rutherford

BOARD / EX-OFFICIO MEMBERS ABSENT: Maureen Eldredge, Tom Gallegos / Steve Gunderson, Jeremy Karpatkin, Tim Rehder, Dean Rundle

PUBLIC / OBSERVERS PRESENT: Cliff Franklin (DOE-RFFO); John Stewart (DOE-HQ); Louise Janson (resident); Roman Kohler (RF Homesteaders); David Abelson (RFCLoG); Jill Hollingsworth (citizen); Alan Trenary (citizen); C. M. Gelles (DOE-HQ); Rainier Wheeler (resident); Willow Marr (DOE-HQ); Bill Badger (KH); Anna Martinez (DOE-RFFO); George Goddu (citizen); Jerry Henderson (RFCAB staff); Ken Korkia (RFCAB staff); Patricia Rice (RFCAB staff); Deb Thompson (RFCAB staff)

PUBLIC COMMENT PERIOD:

Comment by David Abelson (Rocky Flats Coalition of Local Governments): On page 28 of your Board packet, under Issue 11, there is a statement that says the Fish and Wildlife Service process for developing a conservation plan will happen at Coalition meetings, and that is the public forum for those meetings. I want to clarify, that statement is not correct. The Coalition is working with the Fish and Wildlife Service on establishing a dialogue between our organization and their agency, but as was made clear in our meetings and in information put together by the Fish and Wildlife Service, there will be a thorough public process. This suggests there is something improper going on. That is not in the Coalition's interest, or in RFCAB's or the public's interest. I felt this issue needed to be addressed directly. If you have questions about the Coalition or our process with the CCP, give us a call.

REPORT BACK FROM SSAB CHAIRS MEETING: In mid-April, the EMSSAB chairs held a meeting near the Fernald site in Cincinnati, Ohio. Jeff Eggleston, Shirley Garcia, Ken Korkia, and Anna Martinez attended the meeting. Those attending the meeting received a tour of the site and saw the onsite disposal cells for the rubble and the remediation work done on contaminated groundwater. About 80 percent of the waste generated during remediation at Fernald will be kept onsite in a big "mound" located there; legacy waste will be removed and sent to Envirocare. A full day of meetings was held on the first day with presentations from DOE Headquarters representatives, followed by informal breakout sessions. In addition, the group formally signed the groundwater workshop statements prepared at the Savannah River Site in February, and prepared for future chairs meetings. The group began planning for a future workshop, which will focus on transuranic waste issues; so-called "orphan" waste will be included as an issue topic. The workshop will be held at the WIPP site, probably in late January or early February 2003. The next chairs meeting will be held at Oak Ridge this fall.

PROPOSED SURFACE WATER SAMPLING WORKSHOP: Shirley Garcia suggested that the Board consider sponsoring a workshop on issues related to surface water sampling, including a discussion of the recently released Surface Water Remedial Action Objectives Technical Memorandum. The idea behind the workshop is to help stakeholders understand the site's process for surface water sampling. The workshop would be brief, only a few hours in the late afternoon and evening, possibly a combination briefing and site tour to visit the sampling locations. Site representatives will check to see what times are available. Ideally the workshop would be held

ADMIN RECORD

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before the next Board meeting in June. Anna Martinez will check into possible dates as well as other details and will work with RFCAB staff on planning issues.

UPDATE BY DOE AND USFWS ON WILDLIFE REFUGE PLANNING ISSUES: First, John Rampe with DOE-RFFO gave an update on the process now underway for creating a Memorandum of Understanding (MOU) between DOE and the Department of Interior's Fish and Wildlife Service (FWS). The MOU will describe how property that will comprise the future Rocky Flats National Wildlife Refuge will be transferred from DOE to the FWS. The MOU must address the division of responsibilities between DOE and FWS necessary to carry out transfer of jurisdiction, the impacts of private property rights on management of the refuge, an identification of land to be transferred that will eventually become the refuge, and an allocation of costs after the date of transfer for site investigations, response actions, and other related activities. The MOU is an agreement that will be negotiated between the two federal agencies, and progress on its drafting will be reporting periodically to stakeholders. The agencies must jointly publish a draft of the MOU in the Federal Register by this December. Public comment will then be received and considered following publication of the notice. The MOU must then be finalized by June 2003. To ensure effectiveness of cleanup remedies, DOE will retain some property at the site following transfer to FWS. The property to remain under DOE's control will be identified in the MOU. However, the MOU will not address cleanup levels or other regulatory measures subject to approval under the Rocky Flats Cleanup Agreement (RFCA).

Next, Laurie Shannon with FWS talked about the process for creating a Comprehensive Conservation Plan (CCP) for the refuge. These plans are required for all national wildlife refuges. The CCP is a long-term (15-year) management plan, which provides a vision for the purpose, mission, and future conditions of the Rocky Flats National Wildlife Refuge. The plan also defines the goals and objectives at the refuge for wildlife, habitat, and public use. Since it is prepared in compliance with the National Environmental Policy Act (NEPA), an Environmental Impact Statement (EIS) on the plan must also be prepared. The regional director of FWS will approve both the CCP and a Record of Decision (ROD) on the EIS. The plan covers wildlife and habitat management and restoration on the refuge, as well as what types of public uses may be allowed to occur there. Although the plan is not a cleanup document, and will not address cleanup levels or any other cleanup action, the plan will recognize that no use of the refuge or management of the refuge can be allowed to compromise the protectiveness of a cleanup remedy. Public input will be incorporated into preparation of the plan, with numerous opportunities for public participation by stakeholders. The plan must be completed and reported to congress by December 2004.

Board members addressed a few questions to both presenters such as funding and timing issues, how the public process will work, how the site plans to keep remaining contamination separate from the refuge, and how long DOE will retain control over contaminated areas.

END-STATE DISCUSSION – PRESENTATION OF ALTERNATIVE REMEDIATION STRATEGY FOR ROCKY FLATS: Joe Legare with DOE-RFFO presented information to the Board on the site's proposed new remediation strategy. He explained where the site is now in that process: active remediation under RFCA accelerated actions and corrective actions. The site's remedial work leads to a Comprehensive Risk Assessment and eventually the Record of Decision. The ultimate goal is to delist Rocky Flats as a Superfund site. All of this must occur before Rocky Flats can be transferred to FWS and become a wildlife refuge, although the FWS will work on portions of its implementation plan in order to prepare to take over areas. DOE will still have responsibility for post-closure remedies, such as operations and maintenance of the ongoing remedies at the site. Based on current regulatory requirements in RFCA, the site would probably perform a greater cleanup in the Industrial Area but may not have adequate funding to clean the 903 Pad and Lip Area to the degree the community would like to see. DOE believes that what it now proposes will bring more balance to the cleanup. This would mean spending more funds on cleaning up the 903 Lip Area. Surface soil contamination is more likely to cause future problems, as it is proven that this type of contamination can make its way to humans either through erosion or via a pathway to surface water. On the other hand, the site believes areas of subsurface contamination beneath the Industrial Area could more easily be left undisturbed as that contamination is less likely to make its way to humans. This is what the site calls a risk-based approach to cleanup, as opposed to an action level approach. However, all of this is predicated on a substantive pathway analysis that verifies the accuracy of these assumptions before cleanup decisions are made.

First in the process will be the technical analyses of contaminants of concern (COCs), the site's preliminary remediation goals, soil action levels, and the upcoming ecological risk assessment. These analyses will lead to technical memoranda that will be prepared for each media: surface water, surface soil, and subsurface soil. These memoranda will address issues specific to each media such as monitoring, cleanup, cost, waste generation, screening methodologies, pathways, and institutional controls. The final step in the process would be to modify RFCA Attachments 5 and 10 to reflect both the agreements made as a result of these analyses, and to incorporate the new assumptions of the risk-based approach. The modifications to the attachments would identify policy considerations, describe the new monitoring and enforcement plan for surface water, set a new surface soil action level, describe the subsurface pathway analysis to determine protectiveness, and describe which institutional controls will become part of the remedy. According to the site, the bottom line is greater surface soil cleanup and less subsurface soil cleanup.

END-STATE DISCUSSION – QUESTIONS, ANSWERS, AND COMMENT: Next on the agenda, the objective of an open discussion session was for Board members to obtain a sufficient and common understanding of the risk-based approach in order to evaluate the strategy. Some comments, concerns, and questions posed by the Board included:

- Questions were posed about process of modifying the contract with Kaiser-Hill in order to reflect the new strategy and its scope of work.
- Is there any possibility of using funds saved by Kaiser-Hill efficiencies toward additional cleanup?
 - Not likely, because the contract is structured so that rewards for efficiencies will not come until the end of contract; however, this issue is under discussion at the site.
- What happens if you get to the end of the project and there is no money left for cleaning up the old landfill?
 - It is true that issues about the old landfill require more thought and time than has been given to it and more analysis needs to be done. This issue is very complex because of the variety of items that were placed in the old landfill and the uncertainties about what and where contamination may be.
- There is a lot of flexibility in the new strategy and approach, but there is no flexibility in the date for closure or the funding. It is unfortunate that long-term safety and security for future generations is not built in as an important consideration in the process
 - The site believes it can achieve the scope of work safely and in compliance with regulations at the cost that has been established. Obviously the scope of work will not meet everyone's needs, but they still believe this is the best approach.
- The contractor has to foot the bill at the end of the project if it discovers that more needs to be cleaned up than what it planned for. However, that will not matter if the company is not solvent. There have been concerns raised about one of the parent companies of Kaiser-Hill.
 - DOE responded that although there may be problems with one of the parent companies, CH2M Hill is still highly solvent.
- If no receiver site is established for the plutonium, what will happen?
 - That would be DOE's responsibility. Kaiser-Hill will not be liable for costs or schedule problems associated with its inability to remove the plutonium.

- If plutonium does not begin to leave by October, will environmental restoration work move up as a priority? Are there alternative plans?
 - Some environmental restoration work has already been moved up as part of the South Side Area acceleration strategy. Site representatives are beginning to look at options in the event of a scenario where the plutonium will not leave the site as planned.
- Regarding ALARA, if 10^{-5} is used as part of the approach, will the ALARA principle still apply?
 - Some site representatives believe that 10^{-5} would itself represent ALARA.

The Board then discussed additional information it would like to have in order to evaluate this new strategy including: more information about the top to bottom review; technology improvements for soil removal; how the pathway analysis will be performed; and list of areas or items that potentially would not be cleaned up under this new approach but that would have been cleaned up as originally planned.

Finally, the Board spent some time talking about the structure of and ideas for discussion at its June meeting. The Board decided that in June it would like to hold a real-time discussion with Department of Energy representatives and regulators about end-state issues. At next week's meeting, the End-State Discussion Steering Committee will identify and prioritize issues for that conversation.

NEXT MEETING:

Date: June 6, 2002, 6 to 9:30 p.m.

Location: Jefferson County Airport Terminal Building, Mount Evans Room, 11755 Airport Way, Broomfield

Agenda: Regulator update by EPA; Board discussion on end-state issues

MEETING ADJOURNED AT 9:35 p.m. *

(* Taped transcript of full meeting is available in the RFCAB office.)

RESPECTFULLY SUBMITTED:

Shirley Garcia, Secretary
Rocky Flats Citizens Advisory Board

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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